



**King County**

**Ron Sims**  
King County Executive

**CHARTER REVIEW COMMISSION**

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**Regional Governance (RG) Subcommittee**  
**King County Charter Review Commission**  
**Meeting Minutes – January 7, 2008**  
Chinook Building, 5:30 pm-7:30pm

**Commission members in attendance:**

Bryan Glynn, Co-Chair  
Doreen Cato, Co-Chair  
Kirstin Haugen  
John Jensen  
Governor Mike Lowry  
Gary Long  
Lois North  
Sharon Maeda

**Absent:**

Juan Bocanegra  
James Williams  
Mike Wilkins

**Staff:**

Becky Spithill, Project Manager, Charter Review Commission  
Mark Yango, Charter Review Coordinator

**Council and PAO Staff:**

Ross Baker, Council Chief of Staff  
Rebecha Cusack, Council Liaison to the Commission  
Mike Sinsky, Senior Deputy Prosecuting Attorney, Prosecuting Attorney's Office  
Nick Wagner, Council Co-Liaison to the Commission

**Guest:**

Sheriff Sue Rahr, King County Sheriff  
Kurt Triplett, Executive Chief of Staff  
Randy Revelle, Chair of the Sheriff's Blue Ribbon Panel  
Kathi Oglesby, Executive Labor Liaison  
Virginia Kirk

Meeting was called to order by co-chair Bryan Glynn at 5:35 pm

## **1. Opening Remarks and Issue Assignment Discussion**

For the record, Mr. Glynn reminded everyone that the meeting is being taped.

Minutes from October 1, and October 29, 2007 were approved unanimously. Ms. North complimented Ms. Spithill on excellent minutes which she felt showed how much ground was covered and how much has been accomplished.

## **2. Sheriff's Office Issues**

Sheriff Rahr spoke to the group once again on her proposal for structural changes to the charter that she feels will benefit the citizens of King County. As a reminder, the principal structural changes are as follows:

- Establish an independent sheriff's office
- Reinstate the Civil Service Commission
- Authorize the sheriff to manage and negotiate the labor contracts for sheriff office employees

As the sheriff, she is responsible and accountable to the public for the management of her office. In order to effectively manage the sheriff office employees, it is essential to have the bargaining authority for contracts with those employee's unions. State law requires that the Civil Service Commission (CRC) exist for specific purposes. It does not exist in King County and state law does not allow the personnel board to replace some civil service functions, such as appeals. The sheriff feels that the reinstatement of the commission will increase the objectivity and quality of hiring, promotion and disciplinary process.

Under the current charter structure there is no obligation for the executive to consult with the sheriff on critical issues of bargaining and contract management. Nevertheless, the sheriff is accountable to the voters for implementing decisions that are made by the executive.

Sheriff Rahr submitted her comments on the briefing paper prepared by CRC staff for the subcommittee to review.

### Questions:

- The Executive Office assigns representation with whom Sheriff's Office staff strategizes; in addition, members of the Sheriff's Office staff sit at the table for all formal negotiating sessions. Nevertheless, the Sheriff's Office staff does not have negotiating authority. On a day-to-day basis, the sheriff has to go through the Executive's labor negotiators to deal with labor contract issues. As an example, to implement discipline sometimes takes up to two years for arbitration to begin, which makes it difficult for her employees to accept any discipline measures made.
- Mr. Long pointed out that perhaps this seems more the result of behavioral dysfunction. He suggested that solutions should be found through communication with the Executive and his team. Sheriff Rahr stated that although she has not specifically talked with the Executive about some of the problems, the charter fails to give her authority to control the process. Therefore, it is a dysfunctional charter structure rather than behavioral problem.

- In the past, the CSC heard appeals when there were disciplinary problems. The Sheriff's Office is required by state law to follow civil service law which makes it different from any other executive departments and different from career service systems. Currently, grievances from employees can be aired through the labor process but there isn't anyone on the HRD staff that has expertise in civil service law and the civil service rules that are in place have not been updated in 20 years. It's hoped that if the CSC is re-instated, headed by a civil service examiner, some of the issues can be corrected.

Kurt Triplett, Chief of Staff and Kathi Oglesby, Executive Labor Liaison presented the executive's overview of the sheriff's charter changes to the group. This issue is significant to the citizens of King County because the Sheriff's Office has five collective bargaining units and some of them affect other King County agency bargaining units. So there will be direct affects that cross union lines with consequences to the entire system and to the county taxpayers.

In comparing the process to other King County elected offices, including the Sheriff's Office, it's stated in the charter under each separately elected office that the elected offices "*shall be an executive department subject to the personnel system . . .*" ( 350.20.10, 20, & 40). This was done to consolidate processes rather than to have separate processes that governed operations, to create constitutional checks and balances and to create a centralized system with predictability that would impose some common standards in order to enhance cost-effectiveness.

The Executive's view is that a change to the charter should be made only if the charter is the barrier to solving a problem. He is absolutely committed and must solve this issue with Sheriff Rahr, and he feels it can be solved without changes to the charter.

#### Questions:

- The overall criminal justice budget in CX is 70%, but the sheriff's portion is less than 12% of CX.
- With the centralized system, since the merger, settlement claims have been decreasing and claims are being taken care of in a standardized manner.
- Ms. Oglesby explained that the Executive is very willing to put forth the Sheriff's bargaining list and is working mutually towards becoming better at doing that. The Executive does not presume to know the working conditions of the Sheriff's employees and needs that input to go forward in deliberations. By the same token, historically, the Executive hasn't overturned any of the Sheriff's disciplinary decisions and probably won't, although there may be provisions for the Executive to "second guess" those decisions. The executive feels that the recommendations of the Blue Ribbon Panel are very important but it's also very important for the Executive to look at the system county-wide and the process for implementation to work effectively.
- Bifurcated bargaining, which the courts must follow by law, is also very difficult to deal with as it mainly looks at working conditions, yet with nothing to "buy" those changes without wages and benefits. The courts must come to the Executive to find the funding to make changes.

Becky Spithill summarized the letters regarding the issue from former Governor and King County Executive Gary Lock, former King County Executive and Blue Ribbon Panel Chair Randy Revelle and the Police Guild.

The Blue Ribbon Panel is endorsing the Sheriff's position. The panel came out with a series of recommendations in 2006 and re-convened this past year to consider to what extent their recommendations have been implemented. What they have found is that the recommendations that haven't been implemented are those that require collective bargaining. It's their opinion that the sheriff should have control over the bargaining management and are endorsing separating bargaining wages/benefits and working conditions.

The Police Guild is against the sheriff's proposal and feels the system has been working fine until recently when there have been tensions to almost the point of a lack of confidence in the sheriff. It's their opinion that the sheriff is well represented in the bargaining process.

Mr. Revelle feels that the panel spent a lot of time coming up with its recommendations and in the review of the progress of the recommendations. There were 43 findings, six major recommendations, and 39 implementing actions in the report. The bottom line feeling of the panel is that the separately, independently elected King County Sheriff should be held accountable for the conduct, misconduct, discipline and performance of her employees. The panel also felt that the current situation with bargaining did not give the sheriff all the tools needed to carry out being responsible and accountable to the public and that there is a fundamental flaw in the charter such that an independently elected official is not allowed to bargain management rights. Giving the sheriff the authority over working conditions will promote working collaboratively and effectively under a separation structure.

In a survey that was done on bifurcated bargaining, which included 23 departments in the State of WA, 18 of the 23 allow their Sheriff's to bargain working conditions while the executive bargains wages and benefits, according to the Sheriff's Office..

The panel did not comment on the CSC, as its members did not feel they knew enough about it. The recommendation to have the bargaining change done through the charter is because the panel believed that the fundamental change it was were recommending could not be done by code changes that may conflict with the charter. However, although there were former prosecuting attorneys on the panel, the issue was not brought to the prosecuting attorney's office for vetting.

There was a very short clarification on the current charter language which states the executive is the bargaining agent. The question put forth was: Does this impede having an ordinance that allows the sheriff to have a say in bargaining management or prevent bifurcated bargaining approach that the panel has recommended.

Ms. Spithill gave a brief presentation on the briefing memo of the county's collective bargaining process. In comparison to the survey done by the panel, HRD did an analysis and found no counties that use bifurcated bargaining. Perhaps the discrepancy may have been in the other departments' misunderstanding in the definition of bifurcated bargaining. HRD will have a completed analysis done this week with contact numbers so that staff can verify the information and try to resolve the discrepancy.

The briefing memo lists four points that the sheriff has outlined for charter changes: 1) the designation of a Chief Peace Officer; 2) delete reference to the Dept. of Public Safety and replace with Sheriff's Office; 3) reinstate the Sheriff's CRC; and 4) collective bargaining management.

Mr. Long asked to clarify the Sheriff's intention with the collective bargaining – does she want total control or is she and the Blue Ribbon Panel in agreement on “bifurcated bargaining?” That confusion existed seemed to be the consensus of the group.

**ACTION:** The group agreed, for clarification purposes, to prepare a letter to the Sheriff asking her to clarify her position on bargaining management. Also, why does she feel that the CSC is the best solution to the problems and are there other acceptable alternatives she feels would be available to resolve the problems she advocates will be taken care of by reinstating the CSC.

The subcommittee suggested Mike Sinsky look at alternatives to code amendments to resolve the bargaining management issue rather than bringing it into a charter change and bring a summary on what kind of programs/procedure the CSC may have had.

**AGREEMENT:** Issue of the reinstatement of the CSC is a low priority. It's felt that this issue can be solved without bringing the CSC back.

### **3. King County Library System**

Ms. Spithill summarized additional information received on recommendations from the Ad Hoc Group of Library Patrons. Agreed to table and take action at the next meeting.

### **4. Regional Committee Stakeholders Group**

Mr. Long provided background information on the upcoming meeting of the Regional Committee Stakeholders Group. Group includes county, city and sewer district representatives and will be meeting on January 15, 5:00 – 7:00 pm. The meeting will be co-facilitated by Gary Long and Mike Wilkins.

Meeting adjourned at 7:30 p.m.

Respectfully submitted by Charlotte Ohashi.